UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte SEEMAB ASLAM KADRI

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Appeal 2008-3096
Application 10/038,341
Technology Center 2400

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Decided:[1] March 23, 2009

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Before JOHN C. MARTIN, ALLEN R. MACDONALD and
JEAN R. HOMERE, *Administrative Patent Judges.*

MACDONALD, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 from the Examiner's rejection of claims 1 through 35. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

According to Appellant, the invention relates generally to a technique for communication across firewalls.[2] More specifically, the invention involves an internal contact point, located inside the firewall, that (1) serves as a contact point for the inside peers, and (2) establishes a continuous connection to an outside relay server through tunneling.[3]

Exemplary Claim

1. An apparatus comprising:

a collector inside a firewall to collect a message intended for an internal peer inside the firewall via a gateway device at the firewall, the message being transmitted by an external peer outside the firewall, the internal peer being registered internally inside the firewall for an external communication across the firewall; and

a distributor coupled to the collector to distribute the message to the registered internal peer if there is a match in address information of the message and the registered internal peer.

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[2] *See* Spec. ¶0010.
[3] *Id.*

Prior Art

The Examiner relies on the following prior art reference to show unpatentability:

Traversat   US 2002/0143855 A1   Oct. 3, 2002

Examiner's Rejections

The Examiner rejected claims 1 through 35 under 35 U.S.C. § 102(e) as unpatentable over Traversat.

THE REJECTION OVER TRAVERSAT

Claims 1-35

Collector Inside a Firewall

ISSUES

The issues before us are whether Traversat teaches (1) a collector inside a firewall that collects a message from an external peer for a peer registered inside of the firewall, and (2) a distributor coupled to the collector that distributes the message to the registered internal peer when there is a match in address information of the message and the registered internal peer.

FINDINGS OF FACT

Appellant's Invention

1.   The Specification of the present application discloses that the "collector collects a message intended for an internal peer inside of a firewall" (Spec. at ¶0011). The Specification of the present application also discloses that the "collector 220 collects messages sent by the outside world

such as the external peer 130" (Spec. at ¶0031). "The distributor then
distributes the message to the internal peer" (Spec. at ¶0031).

Traversat

    2.   Traversat discloses that "FIG. 21 illustrates email exchange
through a firewall 248 via an email gateway 260" (emphasis omitted). "In
this example, peers 200A and 200B outside the firewall 248 may exchange
messages to peers 200C and 200D via email gateway 260" (emphasis
omitted). Figure 21 of Traversat illustrates peers 200C and 200D inside of
the firewall. Further, in Figure 21 of Traversat, there is a line, with arrows
on each end, between peer 200A (outside of the firewall) and peer 200C
(inside of the firewall). Also shown in Figure 21, is a line, with arrows on
each end, between peer 200B (outside of the firewall) and peer 200D (inside
of the firewall) (*See* Traversat at ¶0457; *See also* FIG. 21).

    3.   Traversat discloses that "[i]n one embodiment, there may be an
SMTP (Simple Mail Transfer Protocol) service 262 on each peer." Further,
Traversat discloses that "[i]n one embodiment, inside the firewall 248, mail
account administration may impose restrictions." Traversat also discloses
that "[i]n one embodiment, email addresses may not be required for all peers
200 outside of the firewall 248." (Traversat at ¶0457).

    4.   Traversat discloses that "any peer in a peer group may become
a relay peer" (Traversat at ¶0033).

    5.   Figure 25 of Traversat illustrates peer group 210 which is inside
of the firewall. Peer 200D, 200E, and 200F are members of peer group 210.

    6.   Traversat discloses that "FIG. 31 illustrates a method for a relay
peer to cache route information and use the route information to route

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messages between peers" (emphasis omitted). "[A] relay peer may cache route information, for example route information discovered in sending messages from source to destination peers." "The relay peer may then receive one or more messages from one or more source peers." "The relay peer may then route the received messages to their respective destination peers using the cached route information." (Traversat at ¶0417).

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992).

Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The properly interpreted claim must then be compared with the prior art.

If the Examiner's burden is met, the burden then shifts to the Appellant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and

the relative persuasiveness of the arguments. *See In re Oetiker*, 977 F.2d
1443, 1445 (Fed. Cir. 1992).

ANALYSIS

Collector Inside a Firewall and Distributor Coupled to Collector

Representative claim 1 recites "a collector inside a firewall to collect a
message intended for an internal peer inside a firewall via a gateway device
at the firewall, the message being transmitted by an external peer outside the
firewall" (App. Br. 11).

The Examiner found that Figure 21, of Traversat, illustrates that
"peers 200A and 200B outside the firewall 248 may exchange messages to
peers 200C and 200D via the email gateway 260" (Ans. 7-8). Further, the
Examiner concluded that "any computer/server/device which collects [an]
email message inside the firewall meets the limitation of a 'collector'"
(Ans. 8).

The Examiner also found that Traversat discloses that "there may be
an SMTP (Simple Mail Transfer Protocol) service 262 on each peer 200
(Ans. 10). Further, the Examiner found that "'SMTP' is nothing but a core
internet protocol used to transfer e-mail messages between servers, [and for]
transferring email across the internet" (Ans. 10).

The Examiner then concluded that in order for peers inside the
firewall (such as peer 200D and/or 200C shown in Figure 21) to get/receive
e-mail messages from external peers, the message has to be somehow
collected (Ans. 10). Also, the Examiner concluded that email that is stored

in some device/server inside the firewall meets the limitation of a "collector" (Ans. 11).

Appellant contends that Traversat "discloses that any peer in a peer group may become a relay peer" (App. Br. 6). However, Appellant argues that "[a] peer is not the same as a collector" (App. Br. 6).

Additionally, in response to Examiner's conclusion that either of the peers inside the firewall shown in Figures 20 and 21 could be used as a relay peer, Appellant argues that Traversat "merely states that 'any peer in a peer group may become a relay peer,'" "but does not disclose or suggest that any peer inside a firewall may become a relay peer" (App. Br. 7).

Further, Appellant argues that Traversat discloses that the relay peer is a peer outside of a firewall, and therefore, cannot be inside the firewall to collect and distribute the message (App. Br. 7-8). In addition, Appellant argues that Traversat does not disclose that the message is intended for an internal peer inside of the firewall (App. Br. 8). Appellant adds that the "relay peer only routes messages between peers ... not from an external peer to an internal peer" (App. Br. 8).

Appellant also contends that the Examiner references element "524" as meeting the claimed collector (App. Br. 7). However, Appellant argues that "reference 524" in Figure 31 merely states 'relay peer routes the messages to destination peers using the cached route information'" (App. Br. 7). Further, Appellant contends that the "'messages to destination peers' is not the same as a message intended for an internal peer inside a firewall"(App. Br. 7).

Traversat discloses that peers 200A and 200B, outside the firewall 248, may exchange messages to peers 200C and 200D via email gateway 260 (FF 2). Thus, one of ordinary skill in the art would have recognized that a peer external to the firewall may send a message intended for a peer inside of the firewall.

The Specification of the present application describes the "collector" in terms of its function. For example, the Specification of the present application discloses that (1) the "collector collects a message intended for an internal peer inside of a firewall," and (2) the "collector 220 collects messages sent by the outside world such as the external peer 130" (FF 1).

Thus, according to Figure 21 of Traversat, peer 200D, inside of the firewall could be the relay peer that receives a message from an external peer, for example, peer 200A, that is destined for a peer inside of the firewall, for example peer 200E. In this example, peer 200D, inside of the firewall, is the relay peer, as it routes the message to peer 200E, inside of the firewall, and peer 200E would be the collector, as it would receive, *i.e.*, collect the message.

Thus, we find that one of ordinary skill in the art would have recognized a peer of Traversat as a "collector," as it receives, *i.e.*, collects, messages. Accordingly, we find Traversat discloses "a collector inside a firewall to collect a message intended for an internal peer inside a firewall via a gateway device at the firewall, the message being transmitted by an external peer outside the firewall," as recited by representative claim 1.

Internal Peer Registered Internally

Representative claim 1 recites "the internal peer being registered internally inside the firewall for an external communication across the firewall" (App. Br. 11).

The Examiner found that "'[i]n one embodiment, inside the firewall 248, [a] mail account administration may impose restriction'" (Ans. 8). The Examiner then found that "this implies the fact that there is a mail account administration inside the firewall 248," and "one of the main duties of 'a mail account administration' [is] to register and administer peers" (Ans. 8). The Examiner concluded that this means "the internal peers are registered in mail account administration internally for an external/internal communication across the firewall" (Ans. 8).

Appellant argues that Traversat "does not disclose a registrar to register the internal peer inside the firewall for the external communication across the firewall" (App. Br. 6).

Traversat explicitly discloses the existence of a "mail account administration" inside of the firewall (FF 3). We find that one of ordinary skill in the art would have recognized that an inherent feature of a "mail account administration" component of a system, which is inside of a firewall, would have been to register peers internal and external to the firewall.

Traversat also discloses that "[i]n one embodiment, email addresses may not be required for all peers 200 outside of the firewall 248" (FF 3). Thus, one of ordinary skill in the art would have recognized that the "mail

account administration" does register some external email addresses to facilitate communication with peers inside of the firewall.

As the "mail account administration" is inside of the firewall (FF 3), one of ordinary skill in the art would have also recognized that an inherent task of the "mail account administration," inside of the firewall, would have been to register and administer the mail to and from the peers that were also inside of the firewall. Accordingly, one of ordinary skill in the art would have recognized that in order to administer the peers inside of the firewall, and facilitate communication between peers external to the firewall and peers internal to the firewall, the "mail account administration" would have needed an accounting of the internal peers as well. Accordingly, the peers inside of the firewall would have been registered with the "mail account administration" inside of the firewall.

Thus, we agree with the Examiner's finding that a function of the "mail account administration" of Traversat is to register peers inside of the firewall. Accordingly, Traversat teaches "the internal peer being registered internally inside the firewall for an external communication across the firewall," as recited in representative claim 1.

Distributing Message to Registered Internal Peer

Representative claim 1 recites "a distributor coupled to the collector to distribute the message to the registered internal peer" (App. Br. 11).

The Examiner found that any peer in a peer group can be a relay peer (Ans. 4). For example, the Examiner found that Figure 25, of Traversat, illustrates peers 200D and 200E coupled to another internal peer, peer 200F (Ans. 9).

The Examiner further found that "[e]ither of these peers first collect[s] the message and then routes/distributes the message to destination peers using the cached route information as explained on figure 31, reference '524' and this meets the recitation of a collector to collect a message intended for an internal peer inside a firewall as well as a *distributor coupled to the collector to distribute the message to the internal peer*" (emphasis added) (Ans. 4).

Appellant contends that Traversat "merely discloses the peer inside the firewall contacting the relay peer to retrieve messages, not a distributor distributing the message if there is an address match" (App. Br. 6). Appellant also added that "the relay peer is a peer outside of a firewall" and therefore could not be inside a firewall to collect and to distribute the message (App. Br. 7-8).

With regard to reference "524" of Figure 31, Appellant argues that Traversat discloses that "relay peer routes the messages to destination peers using the cached route information" (App. Br. 7). Further, Appellant argues that the "'messages to destination peers' is not the same as a message intended for an internal peer inside a firewall" (Ans. 7).

Further, Appellant contends that "the peer in question as disclosed by Traversat is the peer that sends a message to a given endpoint address," and thus "is not a distributor that distributes the message transmitted by an external peer outside the firewall" (emphasis omitted) (App. Br. 8). Appellant adds that "the distributor distributes the collected message to the internal peer recipient," and "is not a peer that sends a message to another peer" (App. Br. 8).

Traversat discloses that any peer may be a relay peer (FF 4), and a relay peer may route received messages to their respective destination peers (FF 6). The Specification of the present application states that the distributor distributes the message to the internal peer (FF 1).

As discussed above with regard to the collector, peer 200D, inside of the firewall could be the relay peer that receives a message from an external peer, for example, peer 200A, that is destined for a peer inside of the firewall, for example peer 200E. In this example, peer 200D, inside of the firewall, as the relay peer, would route the message to peer 200E, inside of the firewall. Therefore, we find that one of ordinary skill in the art would have considered a relay peer as a distributor, as it routes messages to other peers.

Figure 25 of Traversat teaches that peers 200D, 200E, and 200F are members of peer group 210 (FF 5). Thus, one of ordinary skill in the art would have also recognized that peers 200E and 200F are coupled to peer 200D, as they are grouped together in peer group 210. Additionally, as discussed above, we found that the peers inside of the firewall, *i.e.,* internal peers, would have been registered by the "mail account administration" of Traversat. Accordingly, we find that Traversat discloses a distributor coupled to the collector to distribute the message to the registered internal peer.

Matching of Address Information and the Registered Internal Peer

Representative claim 1 recites that the distributor distributes the message "if there is a match in address information of the message and the registered internal peer" (App. Br. 11).

The Examiner found that relay peers may maintain route tables which may be used in relaying messages to their destination (Ans. 4-5). The Examiner further found that "[r]oute information may include, but is not limited to, the peer identifier of the source" and "the peer identifier of the destination inherent address" (Ans. 9).

Further, the Examiner found that Traversat discloses that "[w]hen a peer is asked to send a message to a given peer endpoint address, it looks in its local cache to determine if it has a cached route to this peer" (emphasis omitted) (Ans. 9). The Examiner then concludes that this "meets the limitation of distributing the message to the registered internal peers if there is a match in address information of the message and the registered internal peers" (emphasis omitted) (Ans. 9).

Appellant contends Traversat discloses that a "relay peer caches route information and use[s] the route information to route messages between peers" (App Br. 7). Appellant argues that "[t]he route information is used to route the message, [and is] not based on the matching of address information of the message and the registered internal peer" (App. Br. 7). Appellant further argues that "[a] cached route is a routing path" (App. Br. 8). Appellant adds that "[a] route may show connection from one point to another point," and "[i]t does not involve matching address information" (App. Br. 8).

Appellant also contends that the Examiner found "that distributing the message inherently includes the matching in the address information of the message and the registered internal peers" (App. Br. 7). However, Appellant argues that "[t]he route information may be discovered in sending messages

from source to destination peers, or received from other peer nodes such as other relay peers or rendezvous peers" (App. Br. 7). Therefore, Appellant argues, "there is no inherency regarding how messages are sent" (App. Br. 7).

Further, Appellant argues that a "'given endpoint address' is not the registered internal peer" (App. Br. 8). Appellant contends that "a given peer endpoint address is merely an address of a peer," and (1) "[t]his peer may not register at all," and (2) "may not be an internal peer inside a firewall" (App. Br. 8).

As discussed above, any peer in a peer group can be a relay peer (FF 4). Thus, we find that a peer inside of the firewall can be a relay peer. Further, as discussed above, another peer, within the peer group that is located and registered inside of the firewall, may be the destination or recipient of the message routed from the relay peer.

Traversat discloses that the relay peer routes received messages to their respective destination peers using the cached route information (FF 6). We find that one of ordinary skill in the art would have recognized that each peer, as a sender and receiver of messages, would have had an address.

 Further, we find that one of ordinary skill in the art would have recognized that inherent and necessary functions of a relay peer inside of the firewall would have been to (1) identify the intended recipient of the message (*i.e.*, the address of the intended recipient and (2) determine whether there is a match with a peer inside of the wall (*i.e.*, a peer inside of the firewall administered, and thus registered, by the "mail account

administration,") such that the message could have been delivered to the intended recipient.

Thus, we find that Traversat inherently discloses a distributor, *i.e.*, relay peer that determines "if there is a match in address information of the message and the registered internal peer," as recited in representative claim 1.

In addition, Traversat discloses that the relay peer routes received messages to their respective destination peers using the cached route information (FF 6). We agree with Appellant that "[a] cached route is a routing path" and "[a] route may show connection from one point to another point" (App. Br. 8).

However, we find that one of ordinary skill in the art would have recognized that a route is a path to somewhere, *i.e.*, endpoint, and that endpoint would have been represented by an address. Also, as indicated by Appellant, a route is a path from one point to another (*See* App. Br. 8). Thus, when a relay peer routes a message from one peer to another, regardless of what route the message travels to get there (*i.e.*, how it gets there), it must know where it needs to finally arrive, *i.e.*, the endpoint or address of the destination peer.

Therefore, for the foregoing reasons, Appellant's arguments have failed to convince us of error in the Examiner's conclusion of anticipation by the prior art.

With regard to dependent claims 7, 17, 27 and 34, Appellant argues that the registration is external to the firewall, and not internally inside of the wall (App. Br. 8). However, as discussed above, we find that the "mail

account administration" of Traversat, which is inside of the firewall, inherently registers the internal peers inside of the firewall, as the "mail account administration is inside of the firewall, for external communication across a firewall.

Independent claims 11, 21, and 31 are commensurate in scope with representative claim 1, as the limitations, which relate to the collector and distributor, are similar. Thus, for the reasons discussed above with regard to representative claim 1, we will sustain the Examiner's rejection of (1) claim 1 and claims 2-10 which depend therefrom; (2) claim 11 and claims 12- 20 which depend therefrom; (3) claim 21 and claims 22-30 which depend therefrom; and (4) claim 31 and claims 32-35 which depend therefrom.

DECISION

We have sustained the Examiner's rejections with respect to all claims on appeal. Therefore, the Examiner's decision rejecting claims 1-35 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a) (1) (iv).

AFFIRMED

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